

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

SYNQOR, INC.

Plaintiff,

v.

ARTESYN TECHNOLOGIES, INC.,
ASTEC AMERICA, INC.,
BEL FUSE INC.,
CHEROKEE INTERNATIONAL CORP.,
DELTA ELECTRONICS, INC.,
DELTA PRODUCTS CORP.,
LINEAGE POWER CORP.,
MURATA ELEC. NORTH AMERICA, INC.,
MURATA MANUFACTURING CO., LTD.,
MURATA POWER SOLUTIONS INC.
POWER-ONE, INC.

Defendants.

Civil Action No. 2:07-CV-497-TJW-CE

JURY TRIAL DEMANDED

**SYNQOR, INC'S MOTION TO DISMISS LINEAGE AND CHEROKEE'S
INEQUITABLE CONDUCT COUNTERCLAIMS**

I. Introduction

On September 28, 2010, the Court adopted Magistrate Judge Everingham's report and recommendations dismissing Lineage and Cherokee's inequitable conduct counterclaims. On October 12, 2010, Lineage and Cherokee filed their Amended Answer, Affirmative Defenses, and Counterclaims to SynQor's Fourth Amended Complaint. SynQor now moves to dismiss Lineage and Cherokee's amended inequitable conduct counterclaims.

II. Statement of Issues

1. Should the Court dismiss the inequitable conduct counts of each of Lineage and Cherokee's Counterclaims for Declaratory Judgment for failure to plead with particularity as required by Fed. R. Civ. P. 9(b)?

III. Argument

The inequitable conduct counts of Lineage and Cherokee's counterclaims simply cross-reference their inequitable conduct affirmative defenses. SynQor therefore incorporates by reference its Motion to Strike Lineage and Cherokee's Inequitable Conduct Defense, filed concurrently herewith. Lineage and Cherokee's inequitable conduct counterclaims should be dismissed with prejudice for the same reasons that their inequitable conduct defenses should be stricken.

IV. Conclusion

For the foregoing reasons and the reasons stated in SynQor's Motion to Strike Lineage and Cherokee's Inequitable Conduct Defense, SynQor respectfully requests that its motion to Dismiss Lineage and Cherokee's Inequitable Conduct Counterclaims be granted with prejudice.

Dated: October 29, 2010

/s/ Thomas D. Rein

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ATTORNEYS FOR PLAINTIFF SYNQOR, INC.

CERTIFICATE OF SERVICE

I hereby certify that counsel of record for all defendants are being served with a copy of this Motion to Dismiss Lineage and Cherokee's Inequitable Conduct Counterclaims via email on this the 29th day of October 2010.

/s/ David T. DeZern

David T. DeZern